

REMARKS

The Office Action of May 3, 2004 was received and carefully reviewed. Claim 1-3, 6, 8, 10, 11, 14, and 16 (Group I) are elected with traverse. These are the claims which should be considered part of Group I, as provided in the response filed on February 23, 2004. Claim 18 is also amended herein and is believed to be generic to Groups I and II set forth in the Office Action of January 21, 2004 and the Office Action of May 3, 2004.

Specifically, claims 1-3, 6, 8, 10, 11, 14, and 16 should be considered readable on the species identified as Species I in the Office Action of January 21, 2004, namely, a method for manufacturing a carbon nanotube semiconductor device having the step of gate electrode before forming carbon nanotube layer of Figures 2A-2D. This is why applicant withdrew claims 4, 5, 7, 9, 12 and 17 from consideration, rather than claims 10-17 as proposed in the Office Action.

Such an election should be considered proper in this case since "claims are never species," as provided in M.P.E.P. Section 806.04(e). Instead, claims are definitions of inventions and species are always specifically different embodiments. In this case, the election set forth in the Office Action of January 21, 2004 was between Species I directed to Figures 2A-2D and Species II directed to Figures 5A-5B. Claims 1-3, 6, 8, 10, 11, 14 and 16 are directed to the embodiment of Figures 2A-2D (Species I), while withdrawn claims 4, 5, 7, 9, 12 and 17 are directed to the embodiment of Figures 5A-5B (Species II). Consequently, claims 1-3, 6, 8, 10, 11, 14 and 16 are properly in a condition for examination in this application.

Claim 18 is amended herein to place it in proper generic form as to the Species I and II of the Office Action of January 21, 2004 and the Office Action of May 3, 2004. Although the Examiner contends that claims 18 recites forming the third gate electrode after forming the carbon nanotube layer, Applicant contends that claim 18 does not recite whether the formation of the third gate electrode is performed before or after the formation of the carbon nanotube layer under proper claim construction. Further, it should be noted that "adjacent to" includes both formation "over" and "under." As a result, claim 18 should be considered generic and examined with claims 1-3, 6, 8, 10, 11, 14 and 16.

Withdrawn claim 4 is amended herein to correct a minor typographical error therein, despite its withdrawal from consideration, in case generic claim 18 is allowed.

In view of the foregoing, claims 1-3, 6, 8, 10, 11, 14, 16 and 18 are now believed to be in condition for examination which is earnestly solicited. Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, the Examiner is hereby invited to telephone Applicants' representative to arrange such a conference.

Upon the finding that the generic claim 18 is allowable, examination of a reasonable number of non-elected specie, i.e., Specie II set forth in the Office Action of January 21, 2004, is respectfully requested, pursuant to MPEP Chapter 809.02(c).

Respectfully submitted,

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